

**NOTICE OF CLASS ACTION LAWSUIT AND OPPORTUNITY TO OBJECT TO YOUR  
CONFIDENTIAL IDENTIFYING INFORMATION BEING PROVIDED TO CLASS COUNSEL**

TO ALL STUDENTS WITH MOBILITY DISABILITIES WHO HAVE BEEN ENROLLED AS A STUDENT AT CITY COLLEGE OF SAN FRANCISCO SINCE NOVEMBER 23, 2001:

A class action lawsuit has been brought on behalf of the following class of persons:

All students disabled by mobility impairments enrolled at City College of San Francisco since November 23, 2001, and who seek access to its services, programs and/or activities.

If you are a member of the class, then your rights as a disabled student will be litigated to judgment and you will be bound by the outcome, favorable or not. The above-defined class has been certified for declaratory and injunctive relief only. The Court has not certified a class for money damages. If you seek money damages, you will need to file an individual complaint.

The Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 require that public entities that receive federal financial assistance operate their programs, services and activities so that they are readily accessible to and usable by persons with mobility disabilities. These statutes also require that new construction and alterations to existing facilities be performed in compliance with federal disability access design standards, including the Americans with Disabilities Act Accessibility Guidelines and the Uniform Federal Accessibility Standards. This case concerns the alleged existence of physical access barriers that prevent students at the San Francisco Community College District ("City College of San Francisco" or "City College") from obtaining programmatic access to programs, services and activities held in existing facilities. This case also concerns the alleged existence of physical access barriers in newly constructed or altered facilities as the City College of San Francisco. Defendant City College denies all of the allegations made by Plaintiffs in this case, and contends that it provides disability access in full compliance with the Americans with Disabilities Act and Section 504. Defendant City College contends that it is not required to remove all physical barriers so long as it provides reasonable access to its programs through alternative methods.

The lawsuit is set for trial to begin on January 9, 2006. The trial will determine whether the City College has violated the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and 42 U.S.C. § 1983, and address the extent to which the City College is required to make changes, if any, in order to improve access for students who have mobility disabilities (known as "injunctive relief").

**YOUR RIGHT TO SUE THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT FOR DISABILITY ACCESS TO PROGRAMS AND/OR FACILITIES WILL BE AFFECTED BY THE OUTCOME OF THIS TRIAL. AS A CLASS MEMBER YOU WILL BE BOUND BY ANY JUDGMENT IN THIS CASE, FAVORABLE OR NOT.**

The named plaintiff in this suit is Ms. Estoria Cherry, a student with cerebral palsy and scoliosis who allegedly uses a walker and/or wheelchair at times. This lawsuit is pending in the United States District Court for the Northern District of California before the Honorable William Alsup, United States District Court Judge. The student class is represented by the law firm of Schneider & Wallace. The San Francisco Community College District is represented in this case by the law firm of Stubbs & Leone.

If you so desire, you may enter an appearance through counsel in this matter. You also have the right to contest whether the representation provided by Schneider & Wallace in this case is fair and adequate. You may intervene in this case to present claims regarding the subject matter of this case, or otherwise come into the action as a party so long as you do so promptly.

If you choose to do none of these things, you will be represented by Schneider & Wallace, which is counsel to the plaintiff class in this case. Class counsel have a duty to advise the members of the class regarding their legal rights in this lawsuit. To fulfill this duty, they have requested that City College provide them with the names, addresses, telephone numbers and/or email addresses of the members of the class. Unless you state in writing within 21 days of the date of this notice that you object to City College providing class counsel with your name and contact information, this information will be provided to class counsel by order of the Court. Class counsel are and will be under a protective order requiring them not to disclose this information to any third parties.

If you wish to object to the release of your name, address, telephone number and/or email address to class counsel, you must mail a written objection to the Clerk of the Court, postmarked on or before July 26, 2005. The objection must: (1) identify the name and number of the case (*Cherry v. City College of San Francisco*, Case No. 04-4981 WHA); (2) state that you do not desire to release your name, address, telephone number and/or email address to class counsel; and (3) include your name and address. The objection must be mailed to:

Clerk of the Court  
Attn: Ms. Dawn Toland  
United States District Court  
450 Golden Gate Avenue  
San Francisco, CA 94102

You may contact class counsel for more information about this lawsuit, or you may consult all electronically-filed documents in the public file from the two public computer terminals in the lobby of the Clerk's Office on the 16th Floor of the Courthouse. Please do not contact the judge directly. Class counsel may be reached at:

Schneider & Wallace  
Attn: Guy Wallace or Elisa Laird  
180 Montgomery Street, Suite 2000  
San Francisco, CA 94104  
Voice: (415) 421-7100  
Facsimile: (415) 421-7105  
Email: [gwallace@schneiderwallace.com](mailto:gwallace@schneiderwallace.com)  
Email: [elaird@schneiderwallace.com](mailto:elaird@schneiderwallace.com)

Dated: July 5, 2005



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE